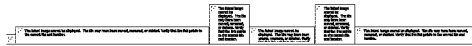


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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

\$236 Million Verdict Against Exxon Denied Review

Posted May 16, 2016, 12:53 P.M. ET

A \$236 million jury verdict against Exxon Mobil Corp. in a groundwater contamination suit will stand, as the U.S. Supreme Court denied review of the case today.

The New Hampshire Supreme Court held that the state had standing to sue on behalf of the people of the state under a doctrine known as *parens patriae*.

The petition for review asked whether that ruling was correct, given that it "eliminated individualized defenses that have uniformly prevented courts from certifying comparable cases as class actions."

The petition also questioned whether the state law tort duty was pre-empted. The case is *Exxon Mobil Corp. v. New Hampshire*, U.S., No. 15-933, review denied 5/16/16.

Solvent Harms Kidney Function, Draft EPA Assessment Finds

Posted May 16, 2016, 4:03 P.M. ET

By Pat Rizzuto

A widely used solvent that until recently also was a common fuel additive can harm kidney function, according to a draft toxicological assessment of the chemical, tert-butyl alcohol, the Environmental Protection Agency released today.

The EPA's draft analysis also concluded there is suggestive evidence tert-butyl alcohol may cause cancer in people.

The BASF Corp., Evonik Degussa Corp. and Huntsman Corp. were among the companies that produced 4.1 billion gallons of tert-butyl alcohol in 2011, according to information manufacturers provided the agency in 2012.

Interested parties may join agency and other scientists June 29-30 at a Public Science Meeting the agency will hold to discuss the tert-butyl Alcohol and benzo[a]pyrene assessments.

House Defense Bill Would Expedite LNG Permitting

Posted May 16, 2016, 12:37 P.M. ET

By Ari Natter

The Energy Department's permitting process for liquefied natural gas export projects would be expedited under Defense Department reauthorization legislation scheduled to be considered by the House later this week.

The National Defense Authorization Act (H.R. 4909) would require the DOE to issue a final decision on a liquefied natural gas export application within 30 days of completion of mandatory environmental reviews.

The language, which mirrors a provision in a broad House-passed energy bill (H.R. 8), was adopted by the House Armed Services Committee via an amendment approved by voice vote.

PHMSA Sued for Approving Enbridge Oil Spill Plan

Posted May 16, 2016, 12:20 P.M. ET

By Amena H. Saiyid

The Pipeline and Hazardous Materials Safety Administration was sued today for approving an emergency response plan in 2013 for a 641-mile oil pipeline that traverses Michigan's navigable waters.

The National Wildlife Federation accused PHMSA of violating the Clean Water Act, National Environment Policy Act and Endangered Species Act in approving Enbridge Energy's oil spill response plans for Line 5. This segment of Enbridge's pipeline handles, stores or transports up to 22.7 million gallons per day of crude oil or natural gas liquids, and extends approximately 641 miles from Superior, Wis., through Michigan, to Sarnia, Ontario, Canada.

The conservation group, which filed the lawsuit in the U.S. District Court for the Eastern District of Michigan, noted that the Clean Water Act's Oil Pollution Act of 1990 in particular strictly authorizes the secretary of the U.S. Department of Transportation, not PHMSA, to approve oil spill response plans for pipelines running in, on or under inland navigable waters.

G-7 Environment Ministers Call for Climate Action

Posted May 16, 2016, 4:09 P.M. ET

By Toshio Aritake

Environment ministers from G-7 major industrialized nations today urged the global community to quickly adopt the Paris Agreement on climate change, to escalate recycling efforts, and to phase out using hydrofluorcarbons as a refrigerant.

After a two-day meeting in the Japan sea coast city of Toyoma, representatives of the G-7 countries—Canada, France, Germany, Italy, Japan, the U.K. and the U.S.—issued a communiqué, joined by an official from the European Commission.

A day earlier, the United Nations Environment Program released a report at the Toyama meeting saying the world needs to reduce natural resource extraction “such as fossil fuel and minerals” by 28 percent by 2050.

UN Agencies: Glyphosate ‘Unlikely’ to Cause Cancer

Posted May 16, 2016, 3:42 P.M. ET

By Bryce Baschuk

A pair of United Nations agencies said the widely used herbicide glyphosate and two insecticides—diazinon and malathion—are unlikely to pose carcinogenic risk to human beings when exposed to the body in dietary form.

The UN Food and Agriculture Organization and the World Health Organization issued their findings today in a joint report following a weeklong meeting in Geneva.

The findings are noteworthy as they run counter to a 2015 report by WHO's International Agency for Research on Cancer that classified glyphosate, diazinon and malathion as “probably carcinogenic to humans.”

The latest conclusions were based upon an analysis of a “large number” of genotoxicity studies conducted over the past five years that measured the chemicals' effects on living mammals—primarily mice and rats, but also humans.

Environmental Justice Groups Allege Conflict in Michigan Power Plan Acts

Posted May 16, 2016, 12:08 P.M. ET

By Rachel Leven

Environmental justice groups aren't happy with Michigan's efforts to develop its state plan as part of the Environmental Protection Agency's broader Clean Power Plan rule.

Several groups, including the Sierra Club, chided the state's Agency for Energy in a May 12 letter for rejecting an invitation to meet with a state environmental justice coalition on the state's power plan. In another May 12 letter, they alleged the agency's chosen representative of vulnerable communities—an energy assistance coalition—is inappropriate since its members include seven utilities.

The complaints are important as at least some of them center on Clean Air Act-based, environmental justice focused legal requirements within the final Clean Power Plan rule (RIN:2060-AR33), which were touted as ground-breaking by many environmental justice groups upon the rule's release. Michigan has paused its power plan implementation work due to ongoing federal litigation over the rule, which aims to limit existing power plants' carbon dioxide emissions.

Pesticides on Seeds Lawsuit to Move Forward

Posted May 16, 2016, 1:30 P.M. ET

By David Schultz

A federal judge refused to dismiss a lawsuit against the Environmental Protection Agency over its regulation of seeds coated in pesticides.

The EPA argued that its 2013 determination that seeds coated with pesticides should be exempt from regulation cannot be challenged in court. But William Alsup, a U.S. District Court judge in Northern California, disagreed and issued a May 13 ruling that the lawsuit from several environmental and conservation groups can move forward.

Seeds for soy, corn and many other crops are often coated prior to planting in pesticides, particularly the controversial insecticides known as neonicotinoids. However, in some instances the chemical can rub off during planting and create clouds of dust that can harm wildlife. The plaintiffs in the lawsuit are arguing that the EPA should regulate these coated seeds the same way it regulates the spraying of a pesticide.

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